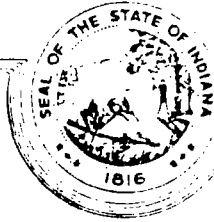


# STATE OF INDIANA



INDIANAPOLIS 46206

## STREAM POLLUTION CONTROL BOARD

1330 West Michigan Street  
633-5467

March 1, 1979

Mr. Steve Zlatos  
Deputy Attorney General  
219 State House  
Indianapolis, Indiana 46204

US EPA RECORDS CENTER REGION 5



416214

Dear Mr. Zlatos:

Re: Gary Development Company,  
B-406

Enclosed you will find a set of four SUMMARY OF EVIDENCE SHEETS. These sheets set forth the four factual issues which are the subject of this Cause as contained in the Notice of Hearing issued on February 3, 1977, and July 27, 1978. As Hearing Officer, I will be primarily interested that testimony be to these points. Therefore, I would request that you complete these sheets with an indication of pertinent dates, lab numbers, names and a brief indication of results or pertinent content. Under the heading ANTICIPATED TESTIMONY, I request that you indicate the witnesses you intend to call and a brief indication of the nature of their testimony.

Once you have completed these sheets, I would strongly urge that you contact Respondent counsel and attempt to stipulate as much evidence as possible, especially documents and written exhibits as outlined on the sheets.

At the time of the hearing, I would like to have the SUMMARY SHEETS returned to me with the stipulated documents and exhibits attached. The testimony will follow the issues in order. Subsidiary or mitigating issues of fact, if any, will follow. I would appreciate any legal issues being brought to my attention prior to the hearing by motion.

It has been my experience in the past that it is to everyone's advantage that the factual issues be focused on precisely at a hearing and I hope that this method and a willingness of all parties to stipulate to undisputed evidence will accomplish this result. This matter has been pending for too long and I would like to accomplish a speedy resolution from here on out.

Very truly yours,

Joseph W. Karen, Hearing Officer

cc: Mr. David Cohen  
Mr. Robert Grant  
Mr. David Lamm ✓

SUMMARY OF EVIDENCE SHEET

1. FACTUAL ISSUE #1. That Respondent GDC failed to construct or operate two separate collection systems for dewatering and leachate per approval letter of June 21, 1973.

2. INSPECTIONS

NA

3. SAMPLING

NA

4. ANTICIPATED TESTIMONY

Witness will testify that inspections of the site during the past two years have not found the two separate collection systems installed as proposed.

## SUMMARY OF EVIDENCE SHEET

1. FACTUAL ISSUE #2. That Respondent GDC pumped leachate to the Grand Calumet River instead of trucking to the Gary Sanitary District as required by approval letter of June 21, 1973.

2. INSPECTIONS

A discharge from the site was witnessed on May 12, 1976, August 26, 1976, and April 7, 1978.

During an inspection of the site on August 17, 1978, the operator of the landfill indicated he discharged from the sump on site approximately 3 hours each day.

3. SAMPLING

The discharge was sampled on May 12, 1976, August 26, 1976, and April 7, 1978.

4. ANTICIPATED TESTIMONY

Witness will testify that he has seen and sampled the discharge from the site on two occasions. As the keeper of the records, the witness will introduce into evidence the results of tests run on the liquid being discharged.

## SUMMARY OF EVIDENCE SHEET

1. FACTUAL ISSUE #3. That Respondent accepted liquids, sludges and other hazardous wastes.

2. INSPECTIONS

On the following dates, the accompanying unauthorized waste was noted on site:

January 22, 1976 - Lime slurry  
July 14, 1976 - Oily sludge  
October 5, 1976 - Oil from catch basins

3. SAMPLING

No samples have been taken of any liquids disposed of on site.

4. ANTICIPATED TESTIMONY

Witness will testify that he had seen an oil sludge from Youngstown Steel dumped on site on July 14, 1976; and that during an inspection on October 5, 1976 he had seen oil from catch basins hauled by General Drainage on site.

As keeper of the files, the witness will introduce the inspection reports indicating the above situations.

## SUMMARY OF EVIDENCE SHEET

1. FACTUAL ISSUE #4. That Respondent GDC operated a landfill without a valid SFC 18 operating permit.

2. INSPECTIONS

Inspections of the site on the following dates indicated the site was operating even though the operating permit had expired:

March 29, 1977	April 7, 1978
May 26, 1977	May 9, 1978
August 8, 1977	June 20, 1978
December 28, 1977	August 17, 1978
March 15, 1978	November 30, 1978

3. SAMPLING

NA

4. ANTICIPATED TESTIMONY

Witness will testify that his inspections of the site on the above-referenced dates revealed that Gary Development Company was operating a landfill.

As keeper of the file, the witness will testify that his review of the file reveals that Gary Development Company was sent a letter of September 20, 1976 reminding them that the operating permit expired on February 1, 1977; and that to date a renewal application has not been submitted nor a renewal issued for the site.